

JOSEPH HAGUE.

JUNE 15, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. McEWAN, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 9191.]

The Committee on Claims, to whom was referred the bill (H. R. 9191) for the relief of Joseph Hague, of New York City, N. Y., having had the same under consideration and investigation, make report thereon as follows, to wit:

This bill directs the Secretary of the Treasury to pay Joseph Hague, of New York City, N. Y., out of unappropriated moneys in the Treasury, \$13,741.66 for loss of pilotage, towage, demurrage, and costs by him expended to estimate repairs of the brigantine *Mary Margaret* on account of being run into by the United States transport steamer *Belevedere* in the harbor of Galveston, Tex., on September 19, 1865, with interest thereon at 5 per cent per annum from the date of damage until the date when paid.

The evidence on file in this case clearly shows that on the 19th day of September, 1865, the brigantine *Mary Margaret*, being ready for sea, was lying moored at the wharf at Galveston, Tex., and that on said date the U. S. transport steamer *Belevedere*, then lying in Galveston Harbor, having the yellow fever on board, was ordered peremptorily to proceed to proper quarantine anchorage, and that in starting for said anchorage there was a misunderstanding and contention on board of the said *Belevedere* between her captain and pilot, the latter of whom claimed to have been sent aboard of the *Belevedere* by order of the local United States quartermaster.

It is also clearly shown that then and there the said *Belevedere*, in thus starting, with gross carelessness, ran into the said brigantine *Mary Margaret* and inflicted great and serious damage upon her while so lying moored at her said wharf.

It is also further shown that a board of survey was convened at Galveston, Tex., consisting of three military officers; that witnesses were called and sworn before said board, both as to the occasion of said accident and as to the amount of damages resulting therefrom to the said brigantine.

No question was then or thereafter made as to the said injury having resulted from the fault and carelessness of those on board of said transport steamer *Belevedere*, as above set forth.

While the witnesses testifying on behalf of the said brigantine estimated said damage at \$3,800, yet other witnesses, and those especially connected with the United States Government, estimated said damages not to exceed \$1,500, which latter sum was the findings of said board of survey.

The agent representing the said brigantine declined to accept the amount of this award, whereupon an order was issued by Capt. J. E. Atwood, acting United States quartermaster, directing that the said brigantine *Mary Margaret* be towed to New Orleans at the expense of the United States for proper repairs, and those then in charge of said brigantine were thereupon ordered to have her in readiness accordingly for that purpose. While being so convoyed and in transit to New Orleans, and when about 75 miles distant from the bar of the Mississippi River, on the high seas, in stress of weather, the said brigantine was abandoned by the vessel then having her in tow.

Being thus in a helpless condition, the said brigantine was compelled to employ another towboat to convoy and tow her to New Orleans, and the owners of said brigantine paid for that service the sum of \$241.66.

On September 22, 1865, those then in charge of said brigantine gave notice to the proper authorities of the United States that they would claim demurrage from the United States for said vessel at \$50 per day from September 22, 1865, until the date when she was properly repaired or put in proper seagoing condition.

Upon due application being made to Colonel Sawtelle, then United States quartermaster at New Orleans, to have the United States repair said brigantine, he refused to do so, and declined to settle or pay this claim in New Orleans, for want of authority only, whereupon Colonel Sawtelle reported said claim to the United States Treasury Department at Washington City, and when so doing stated that "this claim seems to be a just one against the United States, but the law requires that such claims against the United States shall be settled at the Treasury Department."

The agent of said brigantine further notified Colonel Sawtelle that he should either repair the said vessel himself or should sell her, as he might deem best for the interest of the owners.

Said brigantine was afterwards sold for \$4,500. It is claimed and was agreed by the insurance company that said brigantine was originally worth the sum of \$14,000.

The following claim was at that time made to the Treasury Department by this claimant in behalf of said brigantine, the items of said claim so then presented being as follows, to wit:

For repairs of vessel as per above estimated.....	\$3, 800. 00
Pilotage over bay at New Orleans.....	28. 00
Towage from sea to New Orleans.....	213. 66
Cost of estimate for repairs.....	25. 00
Attorney for professional services.....	25. 00
Demurrage while detained for repairs from September 22, 1865, to December 9, 1865, inclusive, 79 days, at \$50 per day.....	3, 950. 00
Total	8, 041. 66

This claim so then and there made was disallowed by the accounting officers of the Treasury Department at Washington City for want of jurisdiction only, but with the suggestion that the party be referred "to Congress, which alone could grant him relief."

In various ways, therefore, has this claimant made known and continued to press his claims against the United States before the War Department, before the Treasury Department, and several times afterwards by bills for relief before Congress.

The measure of damages claimed in this case is the difference between the value of the said brigantine immediately prior to said accident and the amount realized on the sale thereof, to which are added the value of the said demurrage and of the said costs so incurred and paid by this claimant on account of said pilotage, towage, and estimates for said repairs by the United States, which aggregates a total of \$13,741.66, as named in said bill, which, itemized, are as follows, to wit:

Original cost of said vessel, the brigantine <i>Mary Margaret</i>	\$14,000.00
Proceeds of sale	4,500.00
Difference between said cost and said sale	9,500.00
Pilotage and towage	241.66
Costs of estimate for repairs	50.00
Demurrage for seventy-five days, at \$50 per day	3,950.00
Making a total claim of	13,741.66

Your committee are of opinion that this claim, and all the papers therewith, should be referred to the Court of Claims to find the law and the facts and report same back to Congress for action, and therefore recommend as follows, to wit:

Amend the title so as to read: "A bill for the relief of Marie Hague, as administratrix of the estate of Joseph Hague, deceased, late of New York City, New York."

Strike out all in lines 3 and 4 and insert in lieu thereof the words "That the claim of Marie Hague, administratrix."

Strike out all after the word "deceased," in line 6, down to and including the word "cents," in line 8.

Insert after the word "sixty-five," in line 13, the following: "be, and the same is hereby, referred to the Court of Claims to find the law and facts and report same back to Congress for action."

And that as so amended the bill do pass.

Subscription price, Five Dollars per Annum in Advance. Single Copies, Fifteen Cents.
Entered as Second-Class Matter, October 3, 1917, under Post Office No. 383, at Chicago, Ill., under special rate of Post Office Department. Accepted for mailing at special rate of postage provided for in Act of October 3, 1917. Postage paid at Chicago, Ill., and at additional mailing offices. Postmaster: Send address changes in this journal to THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 North Dearborn Street, Chicago, Ill.

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